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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,688	06/05/2006	Bernhard Plattner	1085-0001WOUS	3790
49698 7590 02/09/2009 MICHAUD-DUFFY GROUP LLP 306 INDUSTRIAL PARK ROAD SUITE 206 MIDDLETOWN, CT 06457				
EXAMINER WRIGHT, MADISON L				
ART UNIT		PAPER NUMBER		
3781				
MAIL DATE		DELIVERY MODE		
02/09/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/562,688

**Applicant(s)**

PLATTNER, BERNHARD

**Examiner**

Madison L. Wright

**Art Unit**

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4 is/are rejected.  
7) ☒ Claim(s) 5-13 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 05 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

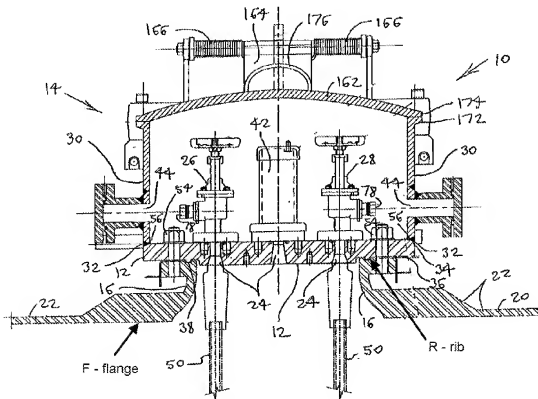
### ***Claim Objections***

1. Claims 5-13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent

claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

***Claim Rejections - 35 USC § 103***

This figure used for the rejection of claims 1-4 has been replicated below, and the Examiner has added reference letters for ease of explanation, and said reference letters will be used for the rejection of claims 1-4 below.



**FIGURE 5A**

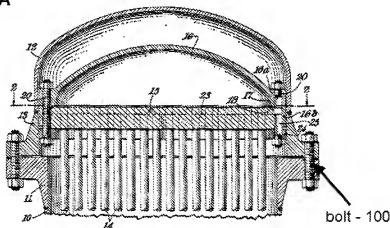
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This figure used for the rejection of claim 1 has been replicated below, and the Examiner has added reference numbers for ease of explanation, and said reference numbers will be used for the rejection of claim 1 below.

**Fig. 1A**



3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. PGPUB 2002/0148530 A1 to Caparros in view of U.S. Patent 2,223,313 to Collins.

As to claim 1, Caparros discloses a compressed gas container comprising an annular block flange that is provided on an upper opening in its wall and is welded to the container, with a flange cover equipped with at least one discharge valve being bolt connectible or bolt connected to said block flange, characterized in that the block flange (perimeter wall 16) is extended radially outside of a region coverable or covered by the flange cover (valve mounting plate 12) by a solid annular flange (part below 16 labeled F, see Figure 5A above) having its outside welded to the wall (integrally attached with primary container wall 22) of the

container (primary container 20) and having on its inside, adjacent to the coverable or covered region in an upper end face a peripheral groove (side wall groove 38) for receiving a sealing rib (R, Figure 5A) of an emergency cap (secondary containment cap apparatus 10) but does not teach that is screw connectible or screw connected to the annular flange and is used only when required, if a leak has occurred.

Collins teaches a bolt 100 to connect the shell cover flange 13 with the shell flange 11 to connect the lid (see Fig. 1A above). The examiner believes that it is obvious to one of ordinary skill in the art that a screw could be used instead of a bolt to secure the shell cover to the shell.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the bolt of Collins with the containment cap as taught by Caparros to create a removable lid that would keep a leak from contaminating the outside environment (Caparros, pg. 3, ¶ 0032).

As to claim 2, Caparros discloses the compressed gas container according to claim 1, characterized in that the annular flange (part below 16 labeled F, see Figure 5A above) and the block flange (perimeter wall 16) are constructed as a single-piece component (Figure 5).

As to claim 3, Caparros in view of Collins discloses the claimed invention except for characterized in that the annular flange is a separate part welded to

the block flange. It would have been obvious to one having ordinary skill in the art at the time the invention was made to separate the annular flange and the block flange, since it has been held that forming in one piece an article which has formally been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

As to claim 4, Caparros discloses the compressed gas container according to any one of the claims 1 to 3, characterized in that the annular flange (part below 16 labeled F, see Figure 5A above) is provided with a ring of tapped bores (bolts 54) for bolting to a mounting flange (valve mounting plate 12) of the emergency cap (secondary containment cap apparatus 10).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madison L. Wright whose telephone number is 571-270-7427. The examiner can normally be reached on Monday thru Friday, 8:00 to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. L. W./  
Examiner, Art Unit 3781

/Anthony D Stashick/  
Anthony D Stashick  
Supervisory Patent Examiner, Art Unit 3781